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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,251	03/17/2004	Shinya Imanishi	16869P-107600US	5962

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EXAMINER


KOYAMA, KUMIKO C

ART UNIT PAPER NUMBER

2876

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/803,251	Applicant(s) IMANISHI, SHINYA	
	Examiner Kumiko C. Koyama	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0304</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to for the following reasons:

The abstract is too long (has more than 150 words).

The abstract includes reference numbers. The Examiner respectfully requests the Applicant to avoid the use of reference number in the abstract.

The abstract does not have equal spacing.

Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities:

The specification/disclosure does not have equal spacing and making it difficult to read.

The Examiner respectfully requests the Applicant a new copy of the specification including equal spacing between words.

Appropriate correction is required.

Claim Objections

3. Claims 1-19 are objected to because of the following informalities:

Re claims 1-19: The claims do not have equal spacing and making it difficult to read. The Examiner respectfully requests the Applicant a new copy of the claims including equal spacing between words.

Re claims 1-19: The phrase "permission/rejection" renders the claim indefinite because it is unclear whether the judgment means is intended for permission purposes or rejection purposes.

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The Examiner respectfully suggests that “permission/rejection” should be --permission and rejection-- or --permission or rejection--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4-12 and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishikado et al (US 6,572,025).

Re claims 1, 4-8, 12 and 14-18: Nishikado teaches that when the authentication terminal 302 receives a credit card 305 that a user hopes to use, the image capture section 322 of the terminal captures the code includgin image 306 on the card 305 (col 27, lines 55-60). Such disclosure is an acquired image inputting means. Passwords are inputted into the input section by the user of the card and CPU 320 judges whether the passwords input by the user matches the one read from the card (col 28, lines 1-5). When they match, the display displays a message for demanding to input a content of user’s request for the card 305. After the content of use’s request is received through the input section 324, the transmitting section 325 sends the owner’s password, data of the code including image, the user’s request and the individual number of the

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authentication terminal to the authentication server 303 through the network 304 (col 28, lines 1-13). When the receiving section 331 in the authentication server 303 receives the data of the code including image 306 from the authentication terminal 302 through the network 304, the image analysis section 333 analyzes the received data to read the owner's information (col 28, lines 21-26). The obtained two-dimensional bar code 308 are decoded to obtain the owner's information, e.g., the owner's name, the face picture, the data of birth, signature, and the like (col 28, lines 40-45). CPU judges whether the request of the user, i.e., the content of the use received by the receiving section 331, can be authenticated on the basis of the owner's history of use, etc which are found by referring to the database in the database section 334 according to the owner's information which were read by the image analysis section 333 (col 28, lines 44-50).

Re claim 9-11: Nishikado teaches a credit card authentication system that uses a card 305 comprising a card substrate 305a and a code including image 306, which is printed on the substrate. The image capture section 322 has a image sensor, e.g., CCD or the like, and captures the code including image 306 on the card 305 to convert to digital data at every pixel and sends the converted image data to the image analysis section 323 (col 25, lines 40-45).

6. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Salatino et al (US 5,920,640).

Salatino teaches a fingerprint sensor 30 for reading information from a token 200 carried by the user (col 12, lines 60-65), which is inputting information for first judgment. The sensor includes a determining means for determining whether the arrays of fingerprint sensing elements 220 are sensing a live fingerprint of the token message means 210 (col 14, lines 9-11). Such determining means is a first permission/rejection judgment for carrying out first judgment

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whether to permit a user-desired transaction. Salatino also teaches that the sensor 30 is also for reading live fingerprints (col 12, lines 30-35), which is inputting information for second judgment. The sensor 30 comprises identification confirming means 214 for authorizing the token bearer based upon the fingerprint confirming message and sensing a live fingerprint of the token bearer (col 13, lines 65-col 14, line 1). Such disclosure teaches a second permission/rejection judgment for carrying out second permission/rejection judgment on whether to permit the user-desired transaction. The sensor also includes bypass authorizing means 215 for authorizing the token bearer based upon the bypass authorizing message and without requiring sensing of a live fingerprint of the token bearer (col 13, lines 49-54). Such disclosure teaches a step of carrying out second judgment necessity judgment on whether the second permission/rejection judgment is required. The step of authorizing the token bearer based upon the fingerprint confirming message and sensing a live fingerprint of the token bearer teaches permitting the user-desired transaction if the result of at least the second permission/rejection judgment is affirmative when the second permission/rejection judgment is carried out. The step of authorizing the token bearer based upon the bypass authorizing message and without requiring sensing of a live fingerprint of the token bearer teaches permitting the transaction if the result of the first permission/rejection judgment is affirmative when the second permission/rejection judgment is not carried out.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikado et al in view of Salatino. The teachings of Nishikado have been discussed above.

Nishikado fails to teach permits the transaction if the result of the first permission/rejection judgment is affirmative when the second permission/rejection judgment is not carried out. Nishikado also fails to teach a waiving request information storing means and second judgment waiving requesting means.

Salatino teaches a fingerprint sensor 30 for reading information from a token 200 carried by the user (col 12, lines 60-65). The sensor includes a determining means for determining whether the arrays of fingerprint sensing elements 220 are sensing a live fingerprint of the token message means 210 (col 14, lines 9-11). Salatino also teaches that the sensor 30 is also for reading live fingerprints (col 12, lines 30-35). The sensor 30 comprises identification confirming means 214 for authorizing the token bearer based upon the fingerprint confirming message and sensing a live fingerprint of the token bearer (col 13, lines 65-col 14, line 1). The sensor also includes bypass authorizing means 215 for authorizing the token bearer based upon the bypass authorizing message and without requiring sensing of a live fingerprint of the token bearer (col 13, lines 49-54). The step of authorizing the token bearer based upon the fingerprint confirming message and sensing a live fingerprint of the token bearer teaches permitting the user-desired transaction if the result of at least the second permission/rejection judgment is affirmative when the second permission/rejection judgment is carried out. The step of authorizing the token bearer based upon the bypass authorizing message and without requiring sensing of a live fingerprint of

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the token bearer teaches permitting the transaction if the result of the first permission/rejection judgment is affirmative when the second permission/rejection judgment is not carried out.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Salatino to the teachings of Nishikado in order to avoid unnecessary authorization to provide a faster processing system, and thereby decreasing the waiting time.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,914,587, discloses a financial data processing system with distributed data input devices and method of use


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kumiko C. Koyama
Kumiko C. Koyama
December 27, 2005


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